



Sen. Daniel Biss

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1 AMENDMENT TO SENATE BILL 1586

2 AMENDMENT NO. _____. Amend Senate Bill 1586 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Freedom From GPS Surveillance Act.

6 Section 5. Definitions. For the purpose of this Act:

7 "GPS device" means any device which uses the Global
8 Positioning System to locate or track the movements of a person
9 or object.

10 "GPS location information" means information about the
11 location or movements of a person or object derived from a GPS
12 device.

13 "GPS service provider" means a provider of locational,
14 mapping, or directional services by means of a GPS device.

15 "Law enforcement agent" means any law enforcement officer
16 of an agency of the State or political subdivision of the State

1 who is vested by law with the duty to maintain public order or
2 enforce criminal laws.

3 Section 10. Warrant. Except as provided in Section 15, a
4 law enforcement agent may not obtain GPS location information
5 without either:

6 (1) a search warrant based on probable cause, issued for
7 renewable periods of up to 30 days; or

8 (2) an arrest warrant issued under Section 107-9 of the
9 Code of Criminal Procedure of 1963.

10 Section 15. Exceptions. Notwithstanding any other
11 provisions of this Act, any law enforcement agent may obtain
12 GPS location information:

13 (1) to respond to a call for emergency services from the
14 user of the GPS device concerned;

15 (2) with the express consent of the subscriber or user of
16 the GPS device concerned; or

17 (3) when a law enforcement agent reasonably believes that
18 obtaining GPS location information without delay is necessary
19 to protect a person in an emergency situation involving a clear
20 and present danger of imminent death or great bodily harm, and
21 the application to the GPS service provider for GPS location
22 information is narrowly tailored to address this danger,
23 subject to the following limitations:

24 (A) The application shall document the factual basis

1 for believing that this danger requires obtaining the GPS
2 information without delay.

3 (B) The lead law enforcement agency involved in the
4 investigation shall retain the application for a minimum of
5 2 years, and shall provide it to the State's Attorney in
6 the county in which the lead agency is located within 48
7 hours of the time that the lead agency obtains access to
8 GPS location information under this paragraph (3).

9 (C) Subsequent or ongoing use of GPS location
10 information as described in this paragraph (3) beyond a
11 48-hour time span requires a warrant. If the application
12 for the warrant is denied, the GPS location information
13 shall not be admissible as evidence in a court of law,
14 unless the state can prove the evidence obtained would
15 inevitably have been discovered by lawful means as part of
16 the ongoing investigation.

17 Section 20. Admissibility. Compliance with the provisions
18 of this Act is a prerequisite to the admissibility into
19 evidence of any GPS location information, but nothing in this
20 Act shall be deemed to prevent a court from otherwise excluding
21 the evidence on any other ground, nor shall anything in this
22 Section be deemed to prevent a court from independently
23 reviewing the admissibility of the evidence for compliance with
24 the Fourth Amendment to the United States Constitution or with
25 Article I, Section 6 of the Illinois Constitution."